

Michael J. Domino, President
John M. Bredemeyer III, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Greg Williams



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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHDOLD

Minutes

Wednesday, January 17, 2018

5:30 PM

Present Were: Michael J. Domino, President
John M. Bredemeyer, Vice-President
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Greg Williams, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, February 7, 2018 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, February 14, 2018 at 5:30 PM at the Main Meeting Hall

WORK SESSIONS: Monday, February 12, 2018 at 4:30 PM at the Tow Hall Annex 2nd floor Board Room, and on Wednesday, February 14, 2018, at 5:00 PM at the Main Meeting Hall

TRUSTEE DOMINO: Good evening, and welcome to our January 17th, 2018 monthly meeting. At this time I would like to call our meeting to order and I would ask Jack Hutchinson of Boy Scout Troop 39 please come forward and that you lead us in the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance is recited).

TRUSTEE DOMINO: Great job, young man. First I would like to recognize the people on the dais. To my left is Trustee John Bredemeyer, Trustee Glenn Goldsmith, Trustee Nick Krupski, and our newest Trustee, welcome to the Board, Greg Williams.

TRUSTEE WILLIAMS: Thank you.

TRUSTEE DOMINO: To my right is Assistant Town Attorney Damon Hagan and Senior Clerk Typist Elizabeth Cantrell. We also have with us tonight our stenographer Wayne Galante, and our CAC member tonight is Peter Young.

I'll also announce the agendas are located at the podium, if you would like one. And I want to announce the postponements.

On page five, number two, **SCOTT KAUFMAN** requests a Wetland Permit and a Coastal Erosion Permit to remove existing damaged stairway and terrace retaining walls; construct along eroding toe of bluff approximately 210 linear feet of stone revetment, including angled westerly return, all consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; restore bluff face using terrace retaining walls, approximately 600 cubic yards of sand re-nourishment (including approximately 350 cubic yards to cover proposed revetment), and native plantings; construct a $\pm 3'$ wide berm with ± 50 cubic yards of sand/loam within 15' wide vegetated non-turf buffer to be established adjacent to bluff crest to control storm-water runoff; and construct a new 4'x $\pm 50'$ elevated bluff stairway with landings and handrails consisting of 4' wide x $\pm 3'$ long entry steps at top of bluff down to a 4'x8' upper platform with bench to 4' x $\pm 8'$ steps to a 4'x8' middle landing with bench to 4' x $\pm 10'$ steps to a 4'x4' middle landing to 4' x $\pm 8'$ steps to a 4'x6.7' lower landing to 4' x $\pm 14'$ stairs to beach.

Located: 2050 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.3

On page nine and page ten, numbers 14 through 18 have also been postponed. They are listed as follows:

Number 14, En-Consultants on behalf of **THOMAS & LINDA KELLY** request a Wetland Permit to remove existing fixed catwalk, ramp, and floating dock, and replant any disturbed tidal marsh vegetation in-kind/in-place; maintain existing 335sq.ft. on-grade walkway and patio area consisting of loose stone pavers set in soil on top of berm and associated 3.5'x8' stone steps; remove existing mulch and landscaping from approximately 175sq.ft. portion of non-disturbance buffer; remove approximately 340sq.ft. of existing mulch from cleared pathway that extends onto easterly neighboring property within 100 feet of wetlands; reduce width of existing cleared/mulched pathway to 4 feet by restoring approximately 1,350sq.ft. of pathway with Native vegetation; and clear and maintain new 4' wide pathway from existing 12'x16' timber kayak rack (to remain) to the tidal wetlands boundary along Long Creek. Located: 4553 Wickham Avenue, Mattituck. SCTM# 1000-107-4-13.

Number 15, AMP Architecture on behalf of **WILLIAM GRELLA & GARY OSBORNE** request a Wetland Permit for the as-built 232sq.ft. Belgium block parking area; as-built 121sq.ft. Belgium block walkway; as-built 517.3sq.ft. managed lawn areas; as-built 240sq.ft. gardens; as-built 160.5sq.ft. crushed shell areas; as-built 22.3sq.ft. metal planter box; as-built 14.3sq.ft. metal waterfall; as-built 15sq.ft. rear concrete stairs; as-built 713sq.ft. pavers on sand; as-built 95sq.ft. gravel on sand; as-built 11sq.ft. fire pit on sand; as-built 41sq.ft. open shower with Belgium block on sand base; as-built two (2) 7.2sq.ft. concrete table bases; as-built 16sq.ft. front concrete stairs; and for the proposed installation of a 46.4sq.ft. set of second-story wood stairs consisting of a 4'x4.3' upper platform with 4'x7.4' stairs to seaward side patio area; proposed installation of 27sq.ft. of pavers on sand.

Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30

Number 16, Cole Environmental Services, Inc. on behalf of **OLE JULE DREDGE COMPANY, LLC, c/o MARK DAVIS** requests a Wetland Permit to dredge an approximately .22 acre area of underwater lands within an existing canal to a depth of -4 MLW; approximately 750-1,000 cubic yards of dredge spoils will be deposited in various bermed temporary off-loading areas on three properties abutting the canal for a combined total of .04 acre of upland area used for de-watering of dredge materials; equipment access and staging areas to be located through the three upland properties. Located: Canal within James Creek, 1570 Ole Jule Lane, 1700 Ole Jule Lane, & 1780 Ole Jule Lane, Mattituck. SCTM#'s 1000-122-4-44.8, 1000-122-4-3, 122-4-4, 122-4-5

Number 17, Patricia Moore, Esq. on behalf of **ROBERT RENGIFO & SARA COLLINS** request a Wetland Permit to demolish existing dwelling, wood deck, and abandon/remove existing sanitary system; construct new dwelling with attached decks within a 38'x60' footprint; new 11'9"x14'2" pervious staircase to ground using thru-flow decking; construct a 19'5"x27'6" pergola structure of roof of dwelling; install new sanitary system landward of dwelling; install gutters to leaders to drywells, and in accordance with Chapter 236 of the Town Code-Stormwater Management; construct new permeable driveway landward of dwelling; install subsurface water and electric surfaces; and for the existing 75' wide Redi-Rock block retaining wall.

Located: 2175 Bay Shore Road, Greenport. SCTM# 1000-53-4-14.

And number 18, Stacey Bishop on behalf of **FORDHAM HOUSE LLC, c/o DENIS BOUBOULIS** requests a Wetland Permit to install a $\pm 1,167$ sq.ft. on-grade paver patio along the seaward side of the dwelling; extend existing westerly 15' long by 10' high by 12" thick concrete and stone veneer retaining wall an additional 35' seaward for a total length of 50' beginning at the left rear corner of existing dwelling; at seaward end of westerly retaining wall, install a 28' long, varying height concrete and stone veneer retaining wall parallel with the dwelling; along easterly side of property, extend existing 3' high natural stone retaining wall an additional $\pm 45'$ seaward; approximately 15' seaward of proposed 28' long parallel retaining wall, install a $\pm 3'$ high by $\pm 45'$ long retaining wall situated approximately 1' landward of established 50' wide non-disturbance buffer; and to install a generator pad, generator, and buried gas tank for the generator.

Located: 5205 The Long Way, East Marion. SCTM# 1000-21-5-11

Those have all been postponed.

I also want to announce under Town Code Chapter 275-8(c), the files were officially closed seven days ago. Submission of paperwork after that date may result in a delay of the processing of the application.

At this time I'll entertain a motion to have our next field inspection Wednesday, February 7th, at 8:00 AM, at the town annex.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion to have the next Trustee meeting Wednesday, February 14th, 2018, at 5:30 PM here at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I would like a motion to hold our next work session at the town annex board room, second floor, Monday, February 12, 2018, and at 5:00 PM, February 14, 2018, here at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for December 2017. A check for \$21,200.53 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, January 17, 2018, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Barbara Kohn SCTM# 1000-111-14-12
Robert Singer & Lynne Vitale SCTM# 1000-90-1-12
Scott Kaufman SCTM# 1000-83-2-7.3
Joseph Zevits, Michael Zevits, Robert Zevits & Patricia Zevits SCTM# 1000-90-1-13
David & Stephanie Sack SCTM# 1000-83-1-5
Barry D. Barth SCTM# 1000-106-1-26
Barry Root SCTM# 1000-86-6-20
Cove Condominiums Owners Assoc. SCTM# 1000-87-5-26 & 1000-87-5-23.9
Stritzler Family Trust SCTM# 1000-94-1-8
Matthew Cappabianca SCTM# 1000-135-1-4
Norman Parton & Ellie Becker SCTM# 1000-87-3-63.1
Thomas & Linda Kelly SCTM# 1000-107-4-13
Vincent & Donna Daley SCTM# 1000-70-4-32
Arthur Gruneisel & Julianne Tomiser SCTM# 1000-104-3-7
James Baumann & Patricia Perry SCTM# 1000-35-4-13
William Grella & Gary Osborne SCTM# 1000-117-7-30
Ole Jule Dredge Company, LLC, c/o Mark Davis SCTM# 1000-122-4-44.8,
1000-122-4-3, 1000-122-4-4 & 1000-122-4-5

TRUSTEE BREDEMEYER: I'll move that. So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, January 17, 2018, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Trustees for the following applications and it is hereby determined that they will not have a significant effect on the environment:

Paul & Carolyn Azzariti SCTM# 1000-78-7-15

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE DOMINO: Under Roman numeral IV, Administrative Permits. In order to simplify our meetings, the Board of Trustees regularly groups together actions that are deemed minor in nature. Accordingly, I'll make a motion to approve as a group:

Number two, **RONALD R. SCHWALB** requests an Administrative Permit to remove existing 4' high fencing and install 6' high fencing beginning at the existing retaining wall and extending landward along the westerly property line.

Located: 3105 Sigsbee Road, Mattituck. SCTM# 1000-126-6-6

And number four, Fishers Island Yacht Club & Marina on behalf of **FISHERS ISLAND DEVELOPMENT CORPORATION** requests an Administrative Permit to install an $\pm 7' \times 18'$ accessible walk with a 1:20 slope and no steps leading to new bathrooms.

Located: 1317 Central Avenue, Fishers Island. SCTM# 1000-10-1-9

TRUSTEE BREDEMEYER: I'll second the motion.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll take the first one. Number one, under item IV for Resolutions for Administrative Permits, Karen A.

Hoeg, Esq. on behalf of **500 SOUNDVIEW DRIVE, LLC, c/o HENRY**

MAZZONI requests an Administrative Permit to install 8' high deer fencing along the easterly property line beginning at the existing deer fence at the top of the bluff and heading landward.

Located: 500 Soundview Drive, Orient. SCTM# 1000-13-2-8.2

Trustee Greg Williams and myself performed the inspection this Monday, albeit that a deer fence in this location is needed, we understand there may be some property issues between the owner of the property for the proposed fence and the neighbors, and there is a pending --

MR. HAGAN: There is an issue with regard to whether or not a Proper -- whether we have a correct survey.

TRUSTEE BREDEMEYER: There is an issue whether we have -- correct that. There is an issue whether we have the correct survey information, and there is also pending before the Planning Board subdivision approval so as to allow for possible submission of a correct map to the Trustees and more accurate information. And to not create disharmony or problems with the pending subdivision approval, I would move that we table this application for one month to allow for the parties to possibly meet and submit new information.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number three, Suffolk Environmental Consulting, Inc. on behalf of **WILLIAM H. PRICE & SUSAN P. ANDERSON** requests an Administrative Permit for the as-built 16'x26' (416sq.ft.) attached seaward side deck with 4'x23' (92sq.ft.) steps to ground. Located: 1345 Long Creek Drive, Southold. SCTM# 1000-55-3-30

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that the deck was not constructed with a Board of Trustee review and permit.

So as such, I make a motion to approve this application noting that the approval will bring it into consistency.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number five, Chris Mohr Landscaping, Inc. on behalf of **PAUL CUTRONE** requests an Administrative Permit for the as-built installation of approximately 550' ($\pm 275'$ on either side) of 8' high deer fencing attached to vineyard poles along each side yard property line from the house to the water. Located: 940 Maratooka Lane, Mattituck. STM# 1000-115-3-17

When we went out, we did a field inspection, we noticed the deer fence was right up to the lake, as well as it has a fence parallel with the lake, which is not allowed under Town Code.

So I make a motion to table this so we can meet with the property owner in the field and discuss. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item number six, **ROBERT & PATRICIA ALCUS** request an Administrative Permit for a Ten (10) Year Maintenance Permit to hand cut the Common Reed (*Phragmites australis*) to no shorter than 12" in height, on an as needed basis. Located: 1457 Cedar Point Drive East, Southold. SCTM# 1000-92-1-2.1

We don't have an LWRP on this, so that would preclude finalizing activity on this. The Board may have seen an e-mail return I got from Robert Marsh of the DEC, so it would appear to discount the information that the applicant gave us in the field that somehow he was given advice that there was an allowable cutting of the phragmites.

So I guess I would ask to table this application subject to receiving an LWRP and also possibly communicating to the individual that purportedly gave this gentleman advice, the individual we know who is considered a competent botanist, that we just might communicate with them what this individual had attributed and that we wait for an LWRP and that the Board take the matter up at a subsequent work session whether we want to refer the violation to the New York State Department of Environmental Conservation. That's my motion.

TRUSTEE GOLDSMITH: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE DOMINO: Okay, Roman numeral V, applications for extensions, transfers and administrative amendments. Again, in order to simplify our meetings, I'll make a motion to approve as a group items one through eight. They are listed as follows:

Number one, **DANA & MICHAEL SAVINO** request a Transfer of Wetland Permit #6622 from Anthony Graziano to Dana & Michael Savino, as issued on May 16, 2007.

Located: 915 Lakeside Drive North, Southold. SCTM# 1000-90-4-6

Number two, Jeffrey Patanjo on behalf of **JAMES J. BAUMANN & PATRICIA A. PERRY** requests a Transfer of Wetland Permit #5607 from Alexandra Jones to James J. Baumann & Patricia A. Perry, as issued on August 21, 2002.

Located: 1625 Gull Pond Lane, Greenport. SCTM# 1000-35-4-13

Number three, Jeffrey Patanjo on behalf of **FREDERIC ENDEMANN** requests an Administrative Amendment to Wetland Permit #8734 to modify the original bulkhead replacement to be a 37 linear foot replacement with a 21 linear foot bulkhead extension installed in more of a straight line in lieu of the angled version of a 40 linear foot replacement and 20 linear foot of new bulkhead.

Located: 840 Old Harbor Road, New Suffolk. SCTM# 1000-117-5-51.1

Number four, En-Consultants on behalf of **NORTH FORK PROPERTY VENTURES, LLC** requests an Administrative Amendment to Wetland Permit #8990 to include the connection of water and electric to the dock.

Located: 5310 Skunk Lane, Cutchogue. SCTM# 1000-138-2-15

Number five, **RICHARD DEMOTT** requests an Administrative Amendment to Wetland Permit #682 for the existing $\pm 11'$ wide boat slip/ramp adjacent to the bulkhead return. Located: 5240 Skunk Lane, Cutchogue. SCTM# 1000-138-2-14

Number six, Timothy Hough on behalf of **BARBARA KOHN** requests an Administrative Amendment to Wetland Permit #9059 to relocate the existing boathouse/storage shed to be placed approximately 40' landward of bulkhead and 20' from the east property line; and to reconstruct the boathouse/storage shed to be no larger than 100 square feet.

Located: 50 Little Peconic Bay Road, Cutchogue. SCTM# 1000-111-14-12

Number seven, **WALTER & BARBARA FITZGERALD** request an Administrative Amendment to Wetland Permit #8685 for a proposed irregularly shaped patio around the pool consisting of side 1 to be 10'7" wide, side 2 to be 4' wide, side 3 to be 6' wide, side 4 to be 6' wide, and a diagonal 25' wide by 15' deep pool patio area.

Located: 8915 Soundview Avenue, Southold. SCTM# 1000-59-6-27.3

Number eight, Costello Marine Contracting Corp. on behalf of **THE BOATYARD AT FOUNDERS LANDING, INC.** requests an Administrative Amendment to Wetland Permit #8666 for the reconfiguring of three (3) existing fixed piers by removing the existing and constructing a 4'x50' fixed pier, and two 4'x60' fixed piers with a 4'x34' walkway in between so that they are in a more parallel position with the other finger piers along the south bulkhead staying within the existing dock line and

footprint as the current layout, and no seaward extension into the waterway; and to reconfigure the floating docks within the boat basin consisting of constructing a new 4'x5' cantilevered platform with two (2) 3'x12' ramps leading to A Dock & B Dock, "A Dock" reconfigured to a 6'x80' main float with three (3) 4'x16' floating finger piers, "B Dock" reconfigured to a 6'x100' main float with three (3) 4'x18' floating finger piers and two (2) 4'x16' floating finger piers, "C Dock" construct a new 4'x5' cantilevered platform with a 3'x12' ramp to a reconfigured 6'x100' main float with four (4) 4'x16' floating finger piers, "D Dock" reconfigured to a 6'x60' main float parallel to the bulkhead; and to install a splashboard system underneath the two fixed outer docks just outside the boat basin by using 3"x10" boards spaced 2" apart and a 2' space from the bottomland to protect the basin from significant wave action.

Located: 2700 Hobart Road & 1000 Terry Lane, Southold.

SCTM#'s 1000-64-3-10 & 1000-64-3-11

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

VI. PUBLIC HEARINGS:

TRUSTEE DOMINO: Roman numeral VI, public hearings. At this time I'll take a motion to go off our regular meeting agenda and enter into the public hearings.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: This is a public hearing in the matter of the following applications for permits under the Wetland ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk County Times. Pertinent correspondence may be read prior to asking for comments from the public.

I suggest that you keep your comments relevant, organized and brief. Five minutes or less would be appreciated.

AMENDMENTS:

TRUSTEE DOMINO: Under Amendments, number one, Timothy Hough on behalf of **BARBARA KOHN** requests an Amendment to Wetland Permit #9059 to remove the existing $\pm 1,340$ sq.ft. pressure treated decking and substructure against the bulkhead, and construct new $\pm 1,950$ sq.ft. (16' wide) non-pressure treated decking with pressure treated substructure along the landward edge of the bulkhead. Located: 500 Little Peconic Bay Road, Cutchogue. SCTM# 1000-111-14-12

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to support the application, suggesting the use of best management practices.

The Trustees did a field inspection on January 9th and actually at that time did an in-house, having been out to this location several times in the past, and found this to be straightforward.

Is there anyone here that wishes to speak to this application?

MR. HOUGH: Tim Hough here on behalf of Barbara Kohn, here to answer any questions you may have, any concerns, for the applicant.

TRUSTEE DOMINO: Any questions from the Board?

(Negative response).

Anyone else wish to speak to this application?

(Negative response).

Hearing no comments, I'll make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. HOUGH: Thank you, very much.

TRUSTEE DOMINO: We'll suspend action on number two, Costello Marine contracting on behalf of **ROBERT SINGER & LYNNE VITALE**. It's suspended for a few minutes. It will come up again after we deem with the neighboring property.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: Next item is under Wetland & Coastal Erosion Permits, number one, Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests a Wetland Permit and a Coastal Erosion Permit to demolish existing one-story dwelling, decks and foundation; construct on a piling system to elevate the finished floor to 16ft. elevation a proposed 957.77sq.ft. one-story, single-family dwelling with a combined 262.75sq.ft. of seaward side porch area with 7.6' wide stairs to ground, and side deck area with 4' wide stairs to ground.

Located: 4200 Kenny's Road, Southold. SCTM# 1000-54-4-3.

This is a return to the Board after last month's hearing, the Board could not conclude action on this application because we did not have before us at that time an LWRP report, the project having been determined to be inconsistent at that time. And for the failure to have a plan showing a sub-surface onsite sanitary disposal system. We have since then received those plans.

The LWRP coordinator has issued an LWRP report dated January 17th. The project is considered inconsistent, specifically with relating to certain coastal policies concerning minimizing potential loss by locating structures away from flooding and erosion hazards and avoiding development other than water dependent uses in coastal areas, and specifically with relation to water dependent uses.

The LWRP coordinator indicated that in the event an approval is contemplated by the Board, it is recommended that to further policy numbers five and six, that an innovative alternative onsite waste water system is recommended.

So those are the recommendations of the LWRP coordinator.

Also to refresh the Board's recollection, the Conservation Advisory Council was disposed to support this application but made, in reviewing this again, made a very specific repeat of their recommendation of concerns for preservation of the primary dune.

So those are the comments on the record by the LWRP and the Conservation

Advisory Council.

Is there anyone here who wishes to speak on behalf of this application?

MR. KIMACK: Michael Kimack on behalf of the applicant.

You did receive the revised survey, primarily, and it does show the septic system on there. It's my understanding that until the town actually has a vote on the IA system, that we are sticking with the standard systems until such time. Am I correct on that?

TRUSTEE BREDEMEYER: We can't answer that question. There has been discussion concerning this issue with reference to whether the Board would wish to go ahead on individual sites in advance of or in anticipation of a whole town law or what the Board had just advocated before the Town Board yesterday to incorporate it into the Wetlands code as a starter. I don't believe it's the final sentiment or determinations of the Board has been made. Is that fair to say, Chairman Domino?

TRUSTEE DOMINO: Yes, that's correct.

MR. KIMACK: Well, I would say as a result of the last meeting, primarily, and conversation that we had, that my understanding was is that until the Town did vote, that there was jurisdiction for you as Trustees to move forward with making a recommendation of IA. As a result of that, I already submitted to the Health Department this particular system.

Now, we placed the system on the back side so that we can minimize the disturbance to the dune, but also it's placed to the back side because the Health Department requires a 100-foot setback from the high water mark. And that's 110. So it's the only location that can be for that particular system on the site. It also happens to be one of the higher locations there so we have ground water two feet underneath it. But we were under the knowledge basically that we would, until the Town actually voted, that we would not be subject to an IA system and had moved accordingly on that one. This is a standard system and the standard system has been submitted to the Health Department as a result of that conversation.

TRUSTEE BREDEMEYER: It would be fair to say, since I'm the one that carried the file here, it's fair to say that characterization was my understanding, until quite recently, understanding that these things are in discussion and in flux.

The concerns of the Conservation Advisory Council to minimize incursion into the primary dune were also part of the Trustees' discussion on our field inspection this month as well as in the work session. So the Board during the course of our review of the file had indicated that we thought we would want to have more specific detail concerning the primary dune, operations of the primary dune.

So there are concerns about the primary dune, and the LWRP coordinator, for us to bring this into consistency, has also advanced his position that an IA system to meet coastal policies would be advisable. And the Trustees have genuine concerns concerning the disturbance to the primary dune. It would seem

that we don't have enough information to make a determination with respect to honoring the LWRP coordinator with respect to putting an IA in, as versus, because an IA may actually cause a greater disturbance to the primary dune. So I would think that if the Board had information concerning, in other words what coverage an IA in disturbance to the primary dune versus our concerns with the conventional system, which we would be asking to have addressed.

MR. KIMACK: The impact for both systems is essentially the same. What you have is essentially a septic system right now, a thousand-gallon tank or so, or 1,200 depending on bedrooms. That particular tank in an IA system is essentially broken into three compartments. The one that has the aeration factor in it, the second being the sludge transfer back and forth and the third having the filter. It's the same size. So for physical disturbance, it would be the same. The disposal pools are essentially the same whether it's an IA system or whether it's a conventional system. So the disturbance to the primary dune would essentially be the same between either system. That would not be a difference. The only place that it actually can be put is where it is, on the back side of that primary dune, because there is no other location. We are proposing to raise that house within the same location. There is no place behind it, there is no place on the roadside. It's tight up against it. And the recommendations and resolutions from the last time was to raise it in the same spot. So if we are raising it in the same spot, there is no other location. And your requirement of us was to put a septic system on the site. The only place for the septic system is where it's located. There is no other choice.

TRUSTEE BREDEMEYER: Right. Then if the Board honoring the LWRP and our interest in having a higher degree of water treatment could, based on your information for this specific site, you don't envision it taking more ground surface area for an innovative alternative denitrification system then the Board would be of the possibility to render a determination to require the IA, since you are saying the footprint would be for all practical purposes the same.

MR. KIMACK: Look, I have always been straightforward with the Board, basically. I know enough about these systems, we have already done one, primarily, and I know what the dimensions are and the disturbance. Essentially there is no difference. I think my concern is that, my understanding was that we would not be subject to the IA as a result of the last conversation I had, and I went forward on that submitting it standard back to the Health Department, which is already in process of review. So if you are asking me now at this particular point you are more thinking about an IA system because of the nitrification issue, and what you are saying is that the Board can recommend it or put it in and oppose it even though the Town has not voted on it.

TRUSTEE BREDEMEYER: What we are saying is that the LWRP

coordinator is also advancing to us that it's his recommendation that an IA would be appropriate to meet the coastal policy, and that would bring the application into consistency. But I think we covered this pretty well now. I'm just wondering if you have anything to add or if the Board has questions.

MR. KIMACK: The only thing, I mean look, on behalf of my client, basically, and we, obviously, from the practical matter, an IA system is a \$25,000 venture. No matter what you do, even on a thousand gallons. Because you also have to put in standby generation. It's a requirement of the Health Department. And it has to be there, electrically it has to be operational. It's fairly sophisticated on that one. The essential system by itself is about 6,500 to \$7,000 but beyond that, everything else being added, is between 22 and \$25,000 with standby generation. It's a very expensive process, and in this particular case, the need from the county or anything like that, because they are not residents. I do understand for the nitrification, essentially, I'm very, very familiar with that process. But I would suggest that it's kind of hard to make the overall argument. I know where nitrogen comes from. Most it is coming from the farms and not the land. A much smaller percentage.

TRUSTEE KRUPSKI: Also not fair. We are not here to argue this point, but --

MR. KIMACK: We are not here to argue this point, but I would, we were under the impression that we would be under the standard and we would not be subject to it.

TRUSTEE BREDEMEYER: We hear that. I think the Board hears that. There may be also, maybe it would be advisable to take additional comment from individuals here and since we just have this LWRP coordinator report as well as the information about standby generation, so maybe we need to gather additional information.

Is there anyone else here to speak to this application and then the Board can possibly also, since it is further at a work session, I'm just thinking we have a number of issues to deem with.

TRUSTEE KRUPSKI: That math is definitely wrong, anyway.

TRUSTEE BREDEMEYER: Okay, yes. Is there anyone else who wishes to speak to this application?

(No response).

I would recommend that we table the application for our Work session discussion because we have a number of competing, both environmental principles and needs and to take into consideration what Mr. Kimack said with respect to prior discussions that we had. So I'll move to table this application for work session discussion.

TRUSTEE DOMINO: Is there a second?

TRUSTEE KRUPSKI: Second.

MR. KIMACK: One more time for the work session.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. KIMACK: Any additional information you want us to bring to the work session?

TRUSTEE BREDEMEYER: Do the Board members request any additional information?

(No response).

I guess information on the county standard as far as standby generation because of the site being so constrained and additional space needed for generation.

MR. KIMACK: Standby generation is a requirement right in their code.

TRUSTEE KRUPSKI: If you want to bring in a price so I can see what you are talking about with an additional \$25,000, I would appreciate it.

MR. KIMACK: It's a factor, no question. I'll bring the estimate of the contractor are putting it in.

TRUSTEE KRUPSKI: Thank you.

MR. KIMACK: Thank you.

WETLAND PERMITS:

TRUSTEE KRUPSKI: Under Wetland Permits, number one, Costello Marine Contracting Corp. on behalf of **JOSEPH ZEVITS, MICHAEL ZEVITS, ROBERT ZEVITS & PATRICIA ZEVITS** request a Wetland Permit to construct 100' of new retaining wall with a 16' long north return and a 16' long south return; fill void areas landward of new retaining wall with approximately 140 cubic yards of clean trucked-in fill and regrade area; install and perpetually maintain a 25' wide non-turf buffer along the landward edge of retaining wall; and construct a 5'x5' platform extension between retaining wall and existing dock. Located: 1945 Little Peconic Bay Lane, Southold. SCTM# 1000-90-1-13

The LWRP coordinator found this action to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees visited the site on the 4th. All were present. Notes include no evidence of erosion on property even following major storm event. That's wrong. What's the date on the inspection?

TRUSTEE GOLDSMITH: 1/9.

TRUSTEE KRUPSKI: Right. Excuse me. Even following the major storm on 1/4, the inspection was 1/9/18.

Is there anyone here that wishes to speak regarding this application?

MR. COSTELLO: Yes. My name is John Costello, I'm with Costello Marine Contracting. We are the applicants and the agents for the Zevits', and we made this application and, you know, we convinced the Zevits' to keep it back away from the water as far as possible, and we tried to maintain whatever vegetation that is there is curing some of the erosion that is occurring there. It is a little slumping in the boggy areas and leave the vegetation alone, move beyond the tide and try to put the retaining wall. With a little reluctance, they -- you are not going to get a permit, don't worry about it. So what they did is they said we prefer to have the permit, and the retaining wall costs are minimal because the elevation of the retaining wall as

you can see is approximately two to 32 inches in height. Just to try to separate the wetlands vegetation and the upland vegetation. And they're willing to give up their buffer area behind it in order to plant the natural vegetation instead of grass, that exists there now. So, and I think you are also wise to hold off on the other amendment until this is either discussed because there would be leaving a slight hole of eight foot, nine foot of bulkheading connecting two adjacent bulkheads. But, that's what we try to do, minimize it. And I think that they, this is the minimizing of the project.

TRUSTEE KRUPSKI: We definitely appreciate the efforts put forth there. I think the Board felt this area was, I mean the area certainly inappropriate for a new bulkhead, which this is a retaining wall. But in order to sort of mitigate that, so it doesn't become a bulkhead in the near future, I think we are looking for something ten feet back from the wetland line to make that a legitimate retaining wall.

MR. COSTELLO: Well, I mean, I disagree. By giving the buffer, you still have the filtration system and, you know, you are just giving up land and, you know, the erosion there is going to be, there is no one here will see it erode to where it's located now. No one here. But there will be some degree of minor slumping. That's why actually we request that five-foot extension on the dock. That's not much of a dock. There is not much of a boating creek, per se. And it's just that when they do build a home, in the roof runoff and whatnot, I think that is one of the reasons he, they, both brothers and father, would prefer to have that buffer. And I think that filtering system will protect whatever that wetland.

Now, the wetlands, whatever is there, I think probably should try to figure out how to improve it, whatever you can, would probably help some of the slumping that is going into the bog. There is some chunks of bog slumping off as you can see around the dock area and I think probably what little teeny wave action that is there is probably carrying off the floating dock and causing that little slumping now. I think that is, I think having the dock remain open as much as possible is certainly alleviating that slumping. By moving it back, I don't see where it serves any purpose except giving up land.

TRUSTEE KRUPSKI: Well, we were not really looking at it as giving up land. It's more of a habitat fragmentation issue. It's a wetlands retreat issue. It's obvious sea level rise, you'll have to leave room for wetlands to retreat at this point. Otherwise it will be a bulkhead eventually. Hopefully I'm not around for it. But that's what we are all just trying to avoid.

MR. COSTELLO: It's a good theory to avoid that. I think you are right. But it will never be a bulkhead because it won't constructed as a bulkhead. It's pretty light construction. It will be gone if it became a bulkhead. The next door adjacent neighbor does have a bulkhead and you can see what they have

done there. They tried to save a tree. And by trying to save that tree, they extended that little teeny return, about four or five feet, and it's rotted. And the Baccharis that they planted in front of it to protect that void, that is doing quite well on the north side. I mean, if that was required, I think that would be wise, particularly around the dock. I think that would be a wise environmental move. But I'm not going to be planting vegetation. I'm not into that. But it's doing well in that corner and that's probably the best vegetation along that whole shoreline. And I think if you have that as a condition, it would be more reasonable.

TRUSTEE KRUPSKI: Any thoughts?

TRUSTEE DOMINO: I believe this area has a history of denials. Looking at this, I can't see any evidence of slumping or -- obviously it's snow covered.

TRUSTEE KRUPSKI: It's a bad picture.

MR. COSTELLO: That's not what exists.

TRUSTEE DOMINO: It's a big action to take.

TRUSTEE BREDEMEYER: Even a monitored retreat from the current proposed location, say five or six feet, and then you would actually have, you would meet the area seaward then would meet a full 15 plus foot of vegetated buffer, and then they could have managed lawn, you know, on the other side of that retaining wall with less restriction or no restriction. In other words just a modest retreat would provide more protection long-term for the fringe which would be functional. Which is just a thought.

TRUSTEE KRUPSKI: Not a bad thought.

MR. COSTELLO: Could I show you a couple photos?

TRUSTEE BREDEMEYER: I'm very familiar with this, because having been --

MR. COSTELLO: I know, but there are areas --

TRUSTEE KRUPSKI: I'll take a look.

MR. COSTELLO: You can pass them down the line. But I could see there are other alternatives which I think would be. That's the beach that exists there now. And here is that corner of the adjacent neighbor, where they planted vegetation in that corner. Now, if the Board decides to put a condition of re-vegetating a few of the areas, there is quite a bit of rip rap and whatnot. I don't know if you have been to the site, but there is rocks and some old bricks and whatnot, have that removed, and if they re-vegetated in front a minor degree in front of the bulkhead, without equipment, I think you would be accomplishing considerably more.

TRUSTEE DOMINO: You didn't mean to call it a bulkhead just then.

MR. COSTELLO: Well, I plan on building one for you before this one. But this is the neighbor's.

TRUSTEE BREDEMEYER: I have been to the site a number of times years ago. But we had this tremendous snow cover. Is there maybe an opportunity to meet on the site again and see if we can bring this back a bit?

MR. COSTELLO: By giving up the 25 feet of the buffer area, do you want to reduce that down --

TRUSTEE KRUPSKI: If we can push it back by eight feet and shrink the buffer to shrink the buffer to 20 feet.

MR. COSTELLO: Or even ten feet. What difference does it make.

TRUSTEE BREDEMEYER: Additional protection.

MR. COSTELLO: I know.

TRUSTEE BREDEMEYER: I mean five feet would do a lot. It would probably buy almost a generation of additional protection before it becomes a bulkhead. Five feet would do a lot.

MR. COSTELLO: If we were to build a bulkhead, I would probably build it a lot heavier. I don't want to go into excavation. Do you know what the sheathing, how do you put it in? I don't know if any of you built a bulkhead. I'll tell you. It would be driven in. You would not jet it in.

TRUSTEE BREDEMEYER: (Perusing). Remove and revegetate.

MR. COSTELLO: You can have the photos, I mean.

TRUSTEE BREDEMEYER: You might want to revegetate.

TRUSTEE KRUPSKI: Anyone else here that wishes --

MR. COSTELLO: One of the other things that would, by leaving it where it is, that could be eliminated, would be probably after you go back and hear the administrative amendment, eliminate the return. That's a return that was going to be put on there. Won't be necessary.

TRUSTEE KRUPSKI: By moving it back five feet.

MR. COSTELLO: Yes, you would have to extend --

TRUSTEE KRUPSKI: Right, I understand what you are saying. Okay, anyone else here that wishes to speak regarding this application? (Negative response).

Any other comments from the Board?

(Negative response).

All right, hearing no further comments, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: And I'll make a motion to approve this application with new plans showing the retaining wall moved back five feet from the wetland, a 20-foot non-turf buffer, removal of concrete and, on the plans, depicting a re-vegetation plan, possibly using coir logs if necessary. If necessary.

TRUSTEE BREDEMEYER: Or jute. Something to stabilize it.

MR. COSTELLO: I think if you put some vegetation you would accomplish that more easily.

TRUSTEE KRUPSKI: Okay, that's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Backing up a little bit, under Amendments,

number two, Costello Marine Contracting Corp. on behalf of **ROBERT SINGER & LYNNE VITALE** request an Amendment to Wetland Permit #1992 to construct a 9' long retaining wall in order to connect the existing bulkhead to the retaining wall on adjacent property; fill void areas landward of wall with clean trucked-in fill as needed. Located: 1865 Little Peconic Bay Lane, Southold. SCTM# 1000-90-1-12

The LWRP found this to be consistent.

The Conservation Advisory Council did not make an inspection, therefore no recommendation was made.

The Trustees conducted a field inspection on January 9th noting, again, natural shoreline with no evidence of erosion following the 1/4/18 winter storm.

Is there anyone here who wishes to speak regarding this application?

MR. COSTELLO: Again, my name is still John Costello and I'm with Costello Marine Contracting, representing Singer and Vitale on this application.

The only comment I would have to make before the Board asks me, I'm willing to answer any questions, there will be a slightly different, if the Board with their last resolution, the return instead of being approximately nine foot, it would probably be ten foot, maybe. Whatever it is. But make that because I don't want, I don't think it would be wise to leave any kind of void and I think that the extension on the dock was going to be five foot, I think that might have to adjoin the retaining wall. That's all. So just as long as everybody is on the same page. It would probably make a better project

TRUSTEE GOLDSMITH: Anyone else here wish to speak regarding this application?

(Negative response).

Questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application contingent upon new plans showing the new retaining wall in length to connect to the adjacent property.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. COSTELLO: Thank you, very much.

TRUSTEE WILLIAMS: Number two under Wetland Permits, Michael Kimack on behalf of **COVE CONDOMINIUMS OWNERS ASSOC.** requests a Wetland Permit for a Ten (10) Year Maintenance Permit to maintenance dredge to three (3) feet below mean water approximately 82 cubic yards from channel at entrance to association docking area, and as needed within the docking area

itself; dredge as necessary in the same areas to maintain width, depth, and full accessibility of entrance channel and docking area on a maximum of four (4) additional occasions during the next ten (10) years; spoil will be removed to an approved upland location for deposition; along the north bulkhead at boat dock, remove approximately 145' of existing wood bulkhead; construct 145' of new vinyl bulkhead in-place with two (2) 8' returns at both ends for a total new length of approximately 161 feet; along south bulkhead at boat ramp, remove approximately 180' of existing wood bulkhead and construct new vinyl bulkhead in-place with two (2) returns, 12' on the north end and 8' on the south end for a total new length of approximately 200'; for the existing 31.5sq.ft. platform leading to existing 80.8sq.ft. fixed dock with two (2) 8" diameter pilings and two (2) 8" square pilings; existing 25.5sq.ft. walkway; and 1,758.25sq.ft. of an existing floating docking facility with (15) 8" diameter pilings securing the floating docks.

Located: Meadow Court & 8552 Main Bayview Road, Southold.
SCTM# 1000-87-5-26 & 1000-87-5-23.9

The LWRP coordinator found a portion of this project consistent. In addition, they recommend that the existing 31.5 square foot platform leading to the fixed dock with pilings and walkway is inconsistent due to a wetland permit that is not obtained. A wetland permit will bring this into consistency.

The Trustees inspected this on 1/9 of '18. All were present. The field notes were to do the work behind the existing retaining wall to keep siltation to a minimum.

The Conservation Advisory Council did inspect this and they supported the application.

Is there anyone here who would like to speak to this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. It's fairly straightforward, I don't need to go through here. The two existing wood bulkheads were constructed some time ago, three-and-a-half to four-foot height that need replacement. And it was recommended by the contractor to do two returns on each one in order to preserve the ground. If you do look at the map that I put together, I wanted to make sure there was a depiction of the vegetation that is there. There will be some disturbance, he'll have to do some tiebacks along that way, but other than that it will be done from the shore, removed from the shore and then the tieback areas will be the only place to be minimized for the cuts in there.

As far as the, we did ask also for the as-built dock that has been in-place for a number of years with the walkway and also with the stairs leading down to the approved for this application.

There was a question that I had answered about the way with which the dredging would be done. It had always been done by Latham and had been done several times before. It had always been done from the ground and putting it into trucks, which I understand now he has to make sure they don't leak on the way to

where he takes them. I'm not privy to where the material is taken by Latham. But I'm sure that he obviously has done a lot of this before, would have a site that would be approved. It's not a substantial amount of material, some 80 to 85 yards or so. This is a permit that had been issued by the Trustees prior and had expired. The work had not yet commenced. The request was for ten years.

TRUSTEE WILLIAMS: Anybody from the Board have any questions?

TRUSTEE BREDEMEYER: No, I think it's pretty straight forward. I recall a prior action there. I think it's a question of whether there was a recommendation from the LWRP coordinator, the Board wants to consider a silt boom for the bulkhead replacement to try keep siltation down a bit during the course of the work, because it is a vital creek for shellfishing.

MR. KIMACK: That would be fair straightforward because it's so narrow, they could put it at the entrance over there from the silt point of view, right across from that particular situation. It's not something that would be extensive in terms of silt. Just close it right off.

TRUSTEE GOLDSMITH: Will he be replacing that 25-and-a-half foot walkway?

MR. KIMACK: No, that's something that is in structurally good shape at the present time. I think it was found to be inconsistent because as the floating dock had not received a prior permit approval, primarily. We would be asking for that small landing area with the fixed dock with the staircase to be that leads to the floating dock, to part of the application. It's described in here, I believe I have indicated exactly this is part of the request for to make it legalized. Something that had been in place for over a quarter of a century.

TRUSTEE GOLDSMITH: Is there any chance in getting it re-decked with through-flow, during the reconstruction process?

MR. KIMACK: Yes. I have one of the members behind me. So. I suspect so. Yes. I'm not quite sure how it's framed and the reason I would be a little cautious is on the through-flow you have, on three foot wide, you have three place basically, you essentially need to have the frame match up. So it's not so much taking e boards off and putting it back on. You may have to reconstruct it. I would ask that be a recommendation but I don't want to have to necessarily have him rebuild the whole thing in order to create a frame underneath it in order to support the through-flow. It may not be necessarily constructed that way now. But I would say that if in fact it had to be replaced at some time in the future that it be replaced with through-flow. Would that be a fair compromise?

TRUSTEE WILLIAMS: Is there anyone else here to speak regarding this application?

(Negative response).

I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I make a motion to approve this application therefore bringing it into compliance with the LWRP.

In addition, with the amendment of a silt boom prior to construction and replacing the decking with through-flow decking if possible, at the time of construction. If not, when decking is to be replaced, it will be replaced with through-flow decking. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. KIMACK: Thank you.

TRUSTEE DOMINO: Number three, **DAVID & STEPHANIE SACK** request a Wetland Permit to demolish and remove existing one-story dwelling, deck, hot tub, and all other related structures; construct new 2,060sq.ft. two-story, single family dwelling with attached garage and roof terrace; a 305sq.ft. swimming pool/spa; a 330sq.ft. on-grade masonry pool patio; 270sq.ft. walkway/steps/deck to pool, all located no closer than 50' from top of bluff; remove existing sanitary system and construct new sanitary system; remove existing driveway and install new grass paver block driveway; install pool enclosure fencing and drainage system of leaders, gutters, and drywells; and establish a 1,035sq.ft. non-turf buffer to be planted with native vegetation in place of existing lawn within 10' of bluff crest. Located: 445 Glenn Court, Cutchogue. SCTM# 1000-83-1-5

The Conservation Advisory Council resolved to support this application.

The Trustees have been to this site on numerous occasions. Most recent inspection is done by area Trustee Nick Krupski. We found no issues with this. It is essentially reissuing an expired permit.

Is there anyone here to speak to this application?

MS. SACK: Stephanie Sack, and I'm the homeowner. Yes, we'll just, it was my fault, I accidentally let the permit lapse. And I came proactively, the minute I realized it happened, to come in and fix the situation. Our building permit was extended. It's building permit 40573 and it's been extended to 3/29 of '18. We are less than a week away from completing and exterior work. It would have been done if we had continued and there were no holidays and things like that. The entire project will be done within six weeks.

TRUSTEE DOMINO: I would also like to mention that we received a letter on January 17th from Doris Garcia, addressed to the Trustees, a letter in support of the application.

Is there anyone else who wishes to speak to this application?

MS. LUBANSKI: My name is Carolyn Lubanski. I'm the secretary for the Birch Hill Property Owners Association of which the Sack's

are also members. And I just have a couple of questions. I understand that the permit had expired. I don't know when it expired, and I would like to know the date.

TRUSTEE DOMINO: It would have been August 19th, 2017.

MS. LUBANSKI: So we are talking five months, four months, that the permit has been expired. And I guess what I want to know is it permissible by the Town then, the Board, to allow work to go on when the permit has been expired?

Because construction of the property has been ongoing. So is that permissible when a permit has been expired?

TRUSTEE DOMINO: I would ask the Assistant Town Attorney to address that

MR. HAGAN: Well, there has been a building permit that has been in place with regard to the property. When there is an issue with regard to completion of permits or some sort of issue on a property, the Town has always tried to take a philosophy where they give the property owner an opportunity to correct and cure prior to jumping into violations.

MS. LUBANSKI: So five months is satisfactory on behalf of the Board?

MR. HAGAN: I won't answer that question. It calls for a legal conclusion that is not appropriate to give at this time.

MS. LUBANSKI: All right. My other question is since you have originally given the approval for a permit, is it your understanding that the house with the construction of the property has been built based on that approval. And we are talking about in regard to the height of the house, I guess the footage from the bluff, back from the house. Um, fencing around the pool, it was my understanding that, and I'm taking it, if I heard correctly, that there has been a recent inspection. It was my understanding that when there is a pool and there is fencing, number one, we do have covenants and it should have been brought to the association, which it was not. Putting that aside, it has been my understanding when there is a pool, the fencing for the pool is either around the pool or from the house around the pool. Not around the property. And, um, as I look now, the fencing that is there looks to be around the property and not around the pool area.

TRUSTEE KRUPSKI: Pool code is not us.

MR. HAGAN: If you would like, I can address that. Because you are asking a legal question. When it comes to whether or not the property has been -- the first half of your question, was the property built pursuant to the plans that have been set forth by the Building Department and up to what has been presented. That Building permit is still open. It has not been closed out, so it has not received that final inspection. In order for a CO to be issued you have to follow the plans that have been submitted to the Building Department. If there is some sort of issue then the Building Department will then bring it to the property owner's attention so they have an opportunity to correct and cure prior

to the issuance of C of O. The same with would apply for a Trustee C of C

MS. LUBANSKI: If they were also doing work without a valid permit and no one was out, I guess checking on things, how do you then know things are being done correctly.

MR. HAGAN: Okay, there is a valid building permit in place that is still open and there is a C of O inspection that occurs at the conclusion of construction, and the things have to match up in order for the C of O to be issued.

MS. LUBANSKI: I'm a little confused. If you are saying it's still open then why are we here today?

TRUSTEE DOMINO: The building permit is still open.

MR. HAGAN: You have two permits. Okay, you have a building permit with regard to construction of the home. You have a Trustees permit that deals with the fact that the home is being located within jurisdiction of the Trustees.

MS. LUBANSKI: Okay, and, this is just not for the building, this is for --

MR. HAGAN: This is the Trustees permit only.

TRUSTEE BREDEMEYER: If not for the fact that they let this lapse, the Board also typically to allow construction to proceed in orderly fashion does provide permit extensions, a maximum of two one-year extensions beyond the initial permit issuance. It's simply we did not seek a request for that at this instance. So that's also the Board policy, as we understand things don't necessarily proceed as planned.

MS. LUBANSKI: Okay, thank you.

MS. SACK: If I may address some of those concerns. We have complied, my architect is here as well this evening to answer or address any additional questions you may have. But we have been completely conforming to the original scope of the work. Complete with height restrictions, the bluff, we have been extremely sensitive to adhering to all both ZBA and Trustee requirements every step of the way. We have received approvals every step of the way for sanitation, for septic, for everything. I mean we have been working very closely and in hand with all of you.

And then just regarding the fence, we are exactly putting the fence in that is exactly as was submitted and approved by the Trustees last time. It's just not completely finished yet. It will be finished, if all goes well tonight, it's scheduled next Thursday to finish. Then it will go around the house to be, it will look just like what is on the approved drawings that, the previously approved drawings. My architect is here if you have any questions for him.

TRUSTEE DOMINO: Anyone else wish to speak to this application? (Negative response).

Hearing no further comments, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: I make a motion to approve this application noting that as Trustee Bredemeyer said, we normally give an extension. So my motion is to approve the application.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MS. SACK: Thank you, very much.

TRUSTEE BREDEMEYER: Next application, number four, En-Consultants on behalf of **NORMAN PARTON & ELLIE BECKER** request a Wetland Permit to remove and replace in-place approximately 194 linear feet of existing timber bulkhead with vinyl bulkhead; remove and replace in-place existing $\pm 8'$ and $\pm 19'$ timber bulkhead returns with vinyl returns, and backfill with approximately 25 cubic yards of clean sandy fill to be trucked in from an approved upland source; reconstruct in-kind/in-place existing 2'x3' steps to grade; construct a 10'x12' on-grade wood deck using untreated decking; install ± 8 linear feet of stepping stones to existing dock; and to establish and perpetually maintain a 8'-10' wide non-turf buffer along the landward edge of the reconstructed bulkhead. Located: 1920 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-63.1

The project has been deemed to be consistent with the LWRP with the recommendation of silt boom during construction since it's immediately adjacent to the surface waters of Corey Creek.

And the Conservation Advisory Council is supporting the application with the condition of a slightly larger 12-foot non-turf buffer adjacent to the constructed bulkhead.

The Trustees performed a field inspection, also had a discussion with Rob Herrmann of En-Consultants concerning the advisability of the, trying to build behind or minimize siltation, which I believe questions at the work session addressed that. And we do have a recommendation for the silt boom in the file from LWRP coordinator.

Is there anyone here who wishes to speak to this application?

MR. CROWLEY: Ian Crowley on behalf of Ellie Becker and Norman Parton, pinch hitting for Rob. He kind of explained to me what you guys spoke about. If you could kind of bring me up to speed, it would be helpful.

TRUSTEE BREDEMEYER: The discussion, we thought if possible all construction could be done landward of the existing bulkhead, leaving it in place and cutting it down. I don't know, I think the Board was satisfied with the explanation he gave at the work session that there is so much disturbance anyway.

MR. CROWLEY: The DEC used to ask for that years ago. They kind of got away from it. But it's going to be get trampled. And I think he had added a re-vegetation plan.

TRUSTEE BREDEMEYER: He suggested the Board request a re-vegetation plan for the disturbance.

MR. CROWLEY: I think that would be perfectly fine.

TRUSTEE BREDEMEYER: Okay, any discussions questions from the Board?

(Negative response).

Anyone else wish to speak to this matter?

(Negative response).

Seeing no one, I make a motion to close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I make a motion to approve the application noting it's consistent with the LWRP, with the stipulation a silt boom be used during construction and that re-vegetation with *Spartina Alternata* flora be made in any disturbed areas that are seaward of the new construction.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number five, **BARRY D. BARTH** requests a Wetland Permit to construct a 21.3'x17' one-story addition with car port underneath onto easterly side of dwelling; and to construct a 10'x13' wood deck against seaward side of addition. Located: 2040 Central Drive, Mattituck. SCTM# 1000-106-1-26

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this application.

The Trustees conducted a field inspection on January 9th, noting that it was a straightforward application.

Is there anyone here who wishes to speak regarding this application?

MR. BARTH: I'm Barry Barth, the owner of the property. I'm here to answer any questions.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

TRUSTEE KRUPSKI: Pretty straightforward, right?

TRUSTEE GOLDSMITH: Yes. Any comments or questions from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number six, Robert Wilson on behalf of **BARRY ROOT** requests a Wetland Permit to enclose the open area within the existing carport attached to the east side of dwelling in

order to create additional living space by installing a masonry foundation and constructing exterior walls within the footprint of the existing second-floor roof; and to construct a 18'4"x5'5" front entry deck onto addition. Located: 6315 Indian Neck Lane, Peconic. SCTM# 1000-86-6-20

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to support this.

And the Trustees went out on the 9th and overall found it to be okay. Just note that we would like to see gutters to leaders to drywells on the property and for the whole house. And I also would like to note that there is an e-mail in here from the adjacent property, and they support the plans for this project. Is there anyone here to speak regarding this application? MR. WILSON: Robert Wilson, just to answer any questions on behalf of Barry Root.

TRUSTEE KRUPSKI: I think the one concern that we saw at the time, there were gutters but there were no leaders or drywells. And I think during the completion of this project we would like to see the whole house done up, because it's right on the creek.

MR. WILSON: Yes, I noticed actually there is a broken leader hanging down from the gutters. I don't know if that actually came down in the storm, but we discussed that this morning and we'll be happy to include storm water runoff and drywell plans when we submit the Building permit applications.

TRUSTEE KRUPSKI: Okay. Is there anyone else here that wishes to speak regarding this application? Comments from the Board? (Negative response).

Okay, I'll make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the following amendment, that the new plans depict leaders to gutters to drywells for the entire house.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. WILSON: Thank you.

TRUSTEE WILLIAMS: Number seven, Environment East, Inc., on behalf of **STRITZLER FAMILY TRUST** requests a Wetland Permit for the existing one-story 1,186.58sq.ft. dwelling with seaward side 1,022.26sq.ft. deck and steps to grade; existing 109.68sq.ft. side deck attached to dwelling; existing 347.50 front boardwalk and 175.62sq.ft. rear boardwalk; existing 41.91 well house; and to construct a 53.03sq.ft. kitchen addition; a 63.16sq.ft. bathroom addition; and a 110.65sq.ft. seaward side deck addition. Located: 955 Soundview Avenue, Mattituck. SCTM# 1000-94-1-8

The LWRP coordinator found this to be inconsistent.

The Conservation Advisory Council supports this application.

On January 9th, the Trustees all were present, did a site inspection with questions of, notes in the field was the deck built without a permit, and a coastal erosion question and there was some land clearing.

To bring this into consistency with the LWRP, it would need to get a, to grant a permit. The LWRP coordinator also noted that he would like to see a vegetated buffer landward of the top of the bluff.

Is there anybody here who wishes to speak to this application?

MR. STOUTENBURGH: Peter Stoutenburgh, with Environment East. I'm basically here to answer any questions. I'm a little surprised at what they are saying about vegetation at the top of the bluff. It's pretty vegetated. I think they might have had the wrong property. They were talking about things without permits. I mean, you guys were there. I saw tracks. Something does seem quite right with that.

TRUSTEE KRUPSKI: We did note the vegetation at the top.

TRUSTEE BREDEMEYER: We did note the vegetation, yes.

MR. STOUTENBURGH: Everything, we are doing, you guys did the permit three years ago for a small addition, maybe they didn't have that information? The kitchen is on an existing deck space and so is the bathroom under it. So I think maybe he missed your permit three years ago.

TRUSTEE KRUPSKI: I'm not sure --

TRUSTEE BREDEMEYER: I think we had some disturbance.

TRUSTEE KRUPSKI: All those pictures were of the house.

MR. STOUTENBURGH: Even the bluff is vegetating in very nicely.

TRUSTEE DOMINO: I would recommend there be no further pruning, just referring to the photograph.

TRUSTEE KRUPSKI: I think one of the issues that we did observe while we were in the field is there was quite a bit of trimming between the house and the bluff, and typically where you would have to come in, obviously you are representing the homeowner, and it was not you out there with the hedge trimmer. But please pass along they would have to come in if they want to do any trimming on the top of the bluff. And that's unrelated to the LWRP coordinator's comments. That's just from our field observations.

MR. STOUTENBURGH: And I heard you reading through it, sort of like what exactly, how does this fit with what you guys saw?

There is something that doesn't seem to be

TRUSTEE KRUPSKI: I'm unclear on what his comments per were about the vegetation.

TRUSTEE DOMINO: This is the photograph I'm referring to. You can see all the vegetation that is seaward of that deck is pretty much uniform. It's been cut. And any action like that requires a Trustee permit.

MR. STOUTENBURGH: I'll definitely pass it along.

TRUSTEE DOMINO: Thank you.

TRUSTEE WILLIAMS: Is there anybody else here that wishes to speak regarding this application?

(Negative response).

TRUSTEE WILLIAMS: I would like to make a motion to close the hearing on this application.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I would like to make a motion to approve the application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. STOUTENBURGH: Thank you.

TRUSTEE DOMINO: Number eight, Anthony Trezza on behalf of **MATTHEW CAPPABIANCA** requests a Wetland Permit to construct a 4'x35' bluff stairway consisting of a 4'x11' upper platform to 4'x10' stairs to a 4'x4' middle platform to 4'x10' lower stairs to an 8'x10' bottom deck against the toe of the bluff; and to install a 4'x4' cantilevered platform off of bulkhead with 3'x8' retractable stairs to beach. Located: 21415 Soundview Avenue, Southold. SCTM# 1000-135-1-4

The LWRP coordinator found this to be consistent and inconsistent. The consistency, essentially the proposed stairway and platform from the bluff to the bulkhead is deemed consistent. The inconsistency arises from the fact that there is an 8'x10' platform, the lower level platform at the toe of the bluff.

The Conservation Advisory Council resolved to support this application.

And the Trustees did a field inspection on the 9th. All were present, and noted that the application was straightforward. Is there anyone here to speak to this application?

MR. TREZZA: Yes, Anthony Trezza on behalf of the applicant Matthew Cappabianca. I think you described this pretty succinctly. The property on the north side is Soundview Avenue, you have been there, I think all the Board members here know the property. It's a pretty straightforward application. I'm here to answer any questions regarding the LWRP inconsistency. I have some aeriels of the area but there are other structures that serve similar purposes as the one we are proposing. I would say that I don't know that it would be inconsistent with the LWRP considering this is a small, private piece of property whose purpose is to serve access for the water. So.

TRUSTEE DOMINO: In the past, similar situations, we have asked for open decking so that wave action doesn't lift up the deck and make it become a projectile, which I believe is the concern of the LWRP coordinator. In other words, on the statement is to minimize loss of human life from flooding and erosion hazards, so.

MR. TREZZA: So that portion, that's what makes us inconsistent.

TRUSTEE DOMINO: Yes. Is there anyone else who wishes to speak to this application?

(Negative response).

Hearing no further comments, I'll make a motion to close the hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

I make a motion to approve this application as submitted with the amendment that the 8'x10' deck, bottom deck, be constructed in an open fashion thereby bringing it into consistency with the LWRP coordinator.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. TREZZA: Thank you, very much.

TRUSTEE BREDEMEYER: Next application, Patricia C. Moore, Esq. on behalf of **ARTHUR GRUNEISEL & JULIANE TOMISER GRUNEISEL** request a Wetland Permit for the existing 38.2'x26.2' one-story dwelling and existing 25.3'x20.3' detached one-story garage; construct a 26.2'x20.4' and an 11.5'x8.5' second-story addition onto dwelling with a 16.6'x18' second-story deck with 3.4' steps from second-floor deck to grade; construct a 3.8'x14.1' one-story addition on east side of dwelling with 3'8" cement stoop and steps to grade; construct a 14.7'x5.3' one-story addition on west side and a 29.4'x9.4' front porch onto dwelling; construct a 21'x20.3' second story addition and a 25.1'x9.3' one-story addition onto garage; for the existing 18'x20' first-floor slate patio under proposed second-story deck; abandon existing sanitary system and install new sanitary landward of dwelling; install gutters to leaders to drywells to contain roof runoff on the dwelling and garage, and in accordance to Chapter 236 of the Town Code-Stormwater Management; and install a line of staked hay bales and/or a line of silt fencing prior to and during construction. Located: 2875 Pine Tree Road, Cutchogue. SCTM# 1000-104-3-7

The project has been determined to be consistent with the LWRP.

The Conservation Advisory Council has approved, had recommendations were to support the application.

And the Trustees inspected the site on January 9th, noting that the project is substantially honoring the current footprint.

The Board in its discussions did indicate that they would recommend an alternative, IA-type of alternative sanitary, and that the Board, because of the major construction, would want to see included a minimum of ten-foot non-turf buffer adjacent to the wetland.

Is there anyone here who wishes to speak on behalf of this application?

MS. MOORE: Yes. Good evening. Patricia Moore on behalf of Arthur and Juliane Gruneisel. They are both here. Juliane is the architect. And what I gave you just a moment ago is just a very simplified version of what the surveyor shows and what their construction drawings. Just to make it simpler, I did compare it to the description that is identical to the description. It's just a nice, clean format. So that was her effort to make it

very clear. And particularly the garage, the surveyor just made a shadow of a garage and the side is a small shed portion that is accessed from the inside of the garage for tools and standard stuff. So we just want to make sure that was part of your record.

I did want to say that we already have Health Department approval that was obtained since the sanitary is so far from the water, and it's in front of the house, that my clients got the Health Department and that is already set to -- is it installed or -- MS. GRUNEISEL: No, it's just the permit, it expires April 2nd, 2019. It's over 100-feet from the wetlands.

MS. MOORE: So it did not need the Trustees approval. We are actually eliminating a non-conforming system and putting in a proper system. The age of the house is around the 1930s and it's in need of repair, and obviously that is a good time to upgrade the sanitary as well.

So we would ask that that be waived in this instance. The non-turf buffer, um -- come on up here because there is a bulkhead and all the marine structures have a permit that the Trustees issued. It actually, there is an old permit that starts from the, at least, early 70s, I think the original permit -- 60s. '68, maybe. And then there is a more current permit. So I'm not sure.

MS. GRUNEISEL: Julianne Gruneisel, partial homeowner.

MR. GRUNEISEL: Thomas Gruneisel.

MS. GRUNEISEL: There is a concrete block retaining wall that is adjacent to my neighbor's retaining wall, and it was adjacent to my other neighbor's timber retaining wall. But he got a permit to rip that out and put a stone veneer concrete block wall up that adjoins my wall, but is much higher. So it's all continuous on Little Creek.

MS. MOORE: They are asking just a simple, the ten-foot non-turf buffer.

MS. GRUNEISEL: That's what I'm saying. Where would you put that? There is one that goes up to this, and after that is beach and vegetation. That's all natural that has not been messed with. It is whatever.

TRUSTEE BREDEMEYER: The Board makes a standard recommendation for non-turf buffers. Obviously, we couldn't see what was on the ground because of the snow. So we are suffering from, it's a standard recommendation that particularly with new construction that we are, if you have a hard retaining structure, which I think we did perceive in the field, we typically would like to have that not be fertilized lawn right up to the edge. So the non-turf buffer would be an area, we would ask would be an area of ten feet that would be devoted to non-turf requiring --

MS. GRUNEISEL: My neighbors have that. But they use herbicides and they mulch it. And I find when the rain comes, because the property is now, the wall is much higher than my adjoining property, all their mulch rolls over to my lawn, rushes down the slope of my lawn and lands on the beach. So I don't think that is such of a great idea. What I have is weeds. I understand most

people would use some kind of fertilizer.

TRUSTEE BREDEMEYER: We are not saying it has to be maintained.

Weeds work just fine for non-turf area. I have a whole yard full.

MS. GRUNEISEL: But if you are recommending that I do what my adjoining neighbor does. I don't think that's such a good idea

TRUSTEE BREDEMEYER: No, no.

MS. MOORE: This is, the ten-foot buffer is this area here that is the portion of whether it's, I think he's saying --

MS. GRUNEISEL: It's very sloped, it's very pitched. So anything you put on there will just go over into the wetlands.

TRUSTEE KRUPSKI: You could leave it alone. The reason we put it in is because most people want to put lawn everywhere. So all we are asking is that you can't put lawn there.

MS. GRUNEISEL: Whatever is there I want to leave.

MS. MOORE: So the bottom line is yes it's fine because that's how you have it now.

MS. GRUNEISEL: I believe it's holding the dirt from going --

TRUSTEE KRUPSKI: It absolutely is.

TRUSTEE BREDEMEYER: We said no managed turf within six-and-a-half feet of the existing retaining wall.

MS. GRUNEISEL: That's fine, perfect.

TRUSTEE BREDEMEYER: Any additional questions from the members of the Board?

(Negative response).

Anyone else who wishes to speak to this application?

(Negative response).

I'll make a motion to close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application as submitted noting that it does have a Suffolk County Health Department approval for a sanitary system which is essentially beyond the jurisdiction of the Trustees. And that the project is consistent with the LWRP and that we would, that the Board would stipulate that there be no managed turf within ten feet of the existing retaining wall. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MS. MOORE: Thank you.

TRUSTEE GOLDSMITH: Number ten, Jeffrey Patanjo on behalf of **JAMES BAUMANN & PATRICIA PERRY** request a Wetland Permit to remove the existing bulkhead and replace in-place with 106 linear feet of new vinyl bulkhead with two 6 linear foot long returns; raise the height of new bulkhead an additional 12" above existing top cap elevation; re-establish and perpetually maintain the existing non-turf buffer area along the landward edge of the bulkhead; remove existing cantilevered platform,

ramp and floating dock, and install new 6' wide by 17' long fixed platform/dock off of bulkhead; a 3'x16' aluminum ramp; and a 6'x40' floating dock using un-treated decking supported by three 10" diameter CCA piles secured in a configuration parallel to the bulkhead.

Located: 1625 Gull Pond Lane, Greenport. SCTM# 1000-35-4-13

The LWRP found this to be consistent and inconsistent. The replacement of the bulkhead was consistent. The construction to install new six-foot wide by 17-foot long fixed platform dock off the bulkhead, a three-foot by 16-foot aluminum ramp and 6'x4' floating dock using untreated decking supported by three ten-inch diameter CCA piles secured in the configuration parallel to the bulkhead is inconsistent, due to the structure was constructed without a Board of Trustee permit. And also that required the installation of a silt boom in areas where practicable.

The Trustees conducted a field inspection on January 9th, noting there was some concerns about extending the dock into the creek. And that the proposed float would exceed the 120-square feet.

Is there anyone here who wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant.

During construction, just to clear up some of the issues that I remember, we have no problem installing a silt turbidity curtain during construction. We'll be jetting the piles in so that handles that one.

As far as the proposed project which is the bulkhead and extending the dock and installing a new aluminum ramp with the floating dock, we currently have a DEC permit approving the plans as submitted to the Trustees. And the 120-square foot rule is also a DEC rule, they approved it, and the ideas behind that would be for the location. In the past and in the handout I just gave everybody, the dimensions are fairly rough but they are within the nearest foot or so. In that area all along the whole inlet there, all of the docks there, which were permitted, actually, I did two of them, so I know that they were permitted, are of larger size, due to the storms and the tides and damage that it brings in that inlet there, when east winds and south winds. And also the clients, their boat size is a sailboat, fairly large, 39-foot, I believe, so they need something a little more substantial for docking. That is also on top of that would adding water depth to the keel depth.

TRUSTEE BREDEMEYER: Generally accurate description I think with the exception of the larger docks drew from the fact that in most cases it was private bottom and they were rebuilds of pre-existing nonconforming docks where the owners had acquired a property right in larger structures. So that is really what happened with some of the old ones back in the days in the last century when Trustees were ignorant. And I was on the Board.

We, back then, we were granting the structures that were really covering too much bottom based on best management practices. So that's where the larger structures had come into vogue. But we have not of late, since recently, we have not granted larger than 120-square feet unless there was a prior property right in a dock permit.

MR. PATANJO: Just one or two other things. There was talk of extending out the dock. We do meet the DEC requirement and also the Trustee requirement. So they are in alignment with the other docks in the area, as well as the one-third of the waterway width, which we are well in adherence to. And where this new dock is located you can see it's essentially in line with the ones to the north, and there will be no additional projection beyond those. And it won't impact navigation at all.

As you can see there is 207 feet to the nearest dock in one location and 84 feet in the other location, if you go on an angle.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

(Negative response).

TRUSTEE KRUPSKI: Part of my concern here is that it's, the land mass kind of comes to a point there and it's on an awkward curve. And I know further up if you are looking at the photo into the canal there, where the private bottom is, there is the big floating docks, there are large boats that pass through there. So part of my concern is if we go out too far on this corner, we are really going to provide problems for people with existing docks.

MR. PATANJO: I've never been on a boat in this canal so maybe I can bring up the homeowner, just to kind of indicate where the boats normally pass by, if that's helpful. He has been living there for a couple of years.

Mr. Baumann can come up and just kind of --

MR. BAUMANN: James Baumann, 1625 Gull Pond Lane. The entrance to that canal is approachable. You can see it's a "Y" and there is quite a wide berth from both the east side of that point and the west side, which is my property. There is significant amounts of water east of where this dock is going to be, eight to nine feet, and granted there are some rather large boats that go in and out of that canal. I think one just recently left permanently. And they'll use both sides of the approach to the canal to get in and out. Sometimes uncomfortably close to where the current dock is. But that is a matter of navigation on their part.

One of my concerns all along is that, and I raised this with the Gull Pond Yacht Club, which is the homeowners association, is the no-wake rule inside the pond and particularly as they are approaching those, the canals. I've repeatedly asked that people slow down and they don't throw any wakes in there. That's the only concern that I think is an issue in that particular case. And I really don't see that the extension of the float out off the bulkhead is going to necessarily create a

navigation problem for anybody going in and out of the west canal.

MR. PATANJO: If I could add to that, too. I don't think he would want to put his boat in a situation and destroy his boat worried about a navigation hazard. He would not want to put his boat in that situation. That's one item. And right where Elizabeth's mouse is right now, I believe, you can correct me if I'm wrong, the normal cross of travel is in the center of that main canal, then it goes off to the two tributaries. So they won't really be in the way.

TRUSTEE BREDEMEYER: How much beam does your vessel have?

MR. BAUMANN: The sailboat is nine feet and the Chris-Craft center console is maybe seven-and-a-half, pushing eight.

MR. PATANJO: We are not talking about a 50-foot boat with a 16-foot beam. It will be tighter to the dock.

TRUSTEE BREDEMEYER: Right.

TRUSTEE GOLDSMITH: So what is the dimensions between your proposed float and the bulkhead?

MR. PATANJO: It's about nine-and-a-half feet.

TRUSTEE GOLDSMITH: And you have a seven-and-a-half foot beam boat?

MR. BAUMANN: Yes. Seven-and-a-half, possibly eight. It's a 22-foot Chris-Craft, what they call tournament sport fisherman, which is pushing the description. It draws about 20-inches of water and it's a 1974 boat that I restored.

TRUSTEE BREDEMEYER: The Board historically has allowed 120-square feet but not always necessarily in a 6x20 configuration.

Any thoughts to, you know, 120- square feet made up of let's say five by whatever it would be; in other words, narrower?

MR. BAUMANN: 5X24 --

TRUSTEE BREDEMEYER: 4X30 gives you length but doesn't have stability. Exactly.

MR. BAUMANN: One of the concerns I had with 4x30, having been in boating as long as I have, is the stability of a four-foot wide float. It's really a finger and I'm sure that you all have been on them in marinas. Even if they are pinned at the end, they don't have the kind of stability that I think is necessary. I have a 12-year old grandson that will be on the dock. And with people going back and forth on a four-foot wide float, I would be concerned of having more than one person on it at a time.

TRUSTEE BREDEMEYER: 5x24, I was thinking.

MR. BAUMANN: 5X24 could work there. With the extension of the dock platform and the ramp. That could work for me with the sailboat. That would give me enough space. Obviously I would prefer more dock.

TRUSTEE GOLDSMITH: Would you need a tie off pile due to length of your sail boat?

MR. BAUMANN: I'm going to leave that up to my dock builder. Maybe we are going to need one, yes.

TRUSTEE GOLDSMITH: I would say if, we are restricted by code, keep that float to 120-square feet, that we could consider putting a tie off pile, which would help you to dock your vessel and also give you the safety. So that's one thing that we could consider.

MR. BAUMANN: Okay.

MR. PATANJO: That being said, I could keep the three piles shown on the drawing and just modify the size of the dock.

TRUSTEE DOMINO: Point of clarification for me. This float is going to be nine foot from the bulkhead.

MR. PATANJO: Nine-and-a-half approximately.

TRUSTEE DOMINO: Nine-and-a-half. Then the float six-foot or five-foot, that has you at 14-and-a-half feet. Then the beam of the boat, I think I heard say nine feet. So that's, considering there will be space between the boat and the float, you are out 22 -- 25 feet. You'll be out 25 feet in this channel.

MR. PATANJO: Normally the boat, the keel of the boat, on a sailboat is arced, so it will be level with it.

TRUSTEE DOMINO: It will be 24-and-a-half feet if it's snugged up tight to the float.

MR. PATANJO: It could be. Which is consistent with all the others on the canal. And even at 24-foot, it still meets the DEC regulations of one-third of the waterway width, as well as Trustees.

TRUSTEE BREDEMEYER: In this case I don't think it even exceeds one quarter, which the Army Corps is looking for.

MR. BAUMANN: The difference is my property is not on the canal. My property is on the pond. And the distance east/west from where my float is to the property immediately east of it, is 207 feet. So putting the boat on the outside of that float, I can't imagine how that would interfere with any navigation in there given the fact that the main course of the traveling in and out of the pond is on the east side of the pond to start with.

That's where the deepest water is. There is ten feet of water there

TRUSTEE BREDEMEYER: We are certainly concerned, as you would be, for your own vessel. Of course there is an opportunity to put a private aid to navigation, I believe, under Navigation Law, that you could put the appropriate light on a dock or structure to warn mariners. And I don't want to say what it is because I'm not exactly sure what the navigation law is, but I believe it's a colored light, colored green flashing light you could procure yourself to advise mariners.

MR. BAUMANN: I absolutely would do that under any circumstances. We are in the house now going on, this is '18, it will be three years and a couple of weeks. And sitting on the back porch and watching the boats go in and out, particularly at night, the guys that are fishing, I really need to have a light out on the end of that dock. I would like to put a no-wake sign out there, too.

TRUSTEE GOLDSMITH: Is there anyone else here that wishes to speak regarding this application?

MR. STEPANOSKI: Greenport Dock. I have been going in and out of that canal for 40 years. Every time there is a storm or hurricane, I go in the canal. We bring barges in 100-foot long, 26 foot wide, never have we had problem with navigation going in the mouth of the canal. Getting up inside of there, it's tight. But the mouth of the canal I always approach east to west. It's not a problem. Navigation is absolutely not a problem going 50 feet off that bulkhead.

TRUSTEE GOLDSMITH: Thank you. Any other questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this application.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the condition that the float be limited to 120-square feet and that you can have that third tie off pile, if so desired, and the use of a silt boom where applicable during construction. And by granting this permit it brings it into consistency with the LWRP.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. PATANJO: Thank you.

TRUSTEE KRUPSKI: Number eleven, Suffolk Environmental Consulting, Inc. on behalf of **PAUL & CAROLYN AZZARITI** requests a Wetland Permit for the as-built reconstruction of the existing dock assembly measuring $\pm 78'$ in overall length, consisting of a 4'x48' fixed elevated catwalk with open grate decking and supported by six (6) 6"x6" posts; a 3'x14' hinged ramp; and a 6'x20' floating dock secured by two (2) 6" diameter pilings in an "I" configuration. Located: 1175 Waterview Drive, Southold. SCTM# 1000-78-7-15

The LWRP coordinator found this to be inconsistent. The dock structure was constructed without benefit of the Board of Trustees review and wetland permit.

The CAC resolved to support the application.

On the 9th of January, the Trustees went out, all were present, and the notes read: Appears to violate construction standards. Would not have received a permit to build, depth to water an issue, pier line, construction materials from an older dock, neighboring dock, sitting on creek bottom. Some question of depth at float.

Is there anyone here that wishes to speak regarding this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant. We are here as a result of a violation issued in Justice Court. And what happened, it was, as I understand,

the dock was reconstructed fixed in-kind in-place. The only difference I know is that the dock extends straight out where it was previously a "T." Is what I understand. And so we are here to fulfill our promise to the Court and that is the application that is before you.

As to the water depth, all I can tell you is the alternative would be to further extend the dock out into the water, and the purpose here was to simply legalize a replacement of what was already there, albeit with the float turned facing out. As you can see from the aerial, people line their floats either straight out or perpendicularly. And I think as you can also see there is a whole lot of shoaling in that area anyway, and I think the depth problems is probably common to all the docks in the area. But we were not charged to make it any larger or extend it out to deeper water. Simply to permit what was a reconstruction of the dock. And that is what we did. And we note that there are no apparent navigational issues. I think it's deeper water than many of the docks that are already out there, for whatever that is worth. And I would see no benefit in changing it or making it bigger, which would be the obvious solution to deeper water.

TRUSTEE KRUPSKI: So the permit I have here, which is the August 6th, 1973 permit #986, the dock listed here is construct a dock 4'x32", a ramp 4'x14', and a float 6'x20' with two pilings.

So that is the permit that is on file. So regardless of how it magically grew in that timeline, it is now 40 -- the catwalk itself is 48-feet longer. So that is an additional 16 feet longer. So what was rebuilt is not what was permitted.

And I also am curious as to the depth of the float as it is now. Do you know what the depth is of the float?

MR. ANDERSON: Yes. We are showing 36 inches at the end of the dock, but less than 18 inches at the landward terminus of the dock. And I can tell you --

TRUSTEE KRUPSKI: So that's insufficient water under the landward edge of the dock. So that's not even approvable as it stands.

MR. ANDERSON: Well, there seems to be a difference as to what was there and what you are describing as permitted. If what you are describing as permitted, what was permitted should never have been permitted. Because it would be yet in shallower water.

TRUSTEE KRUPSKI: It's possible in '73 the water was not that shallow.

MR. ANDERSON: It's possible. This particular individual, all he knows is he bought a property with surveys indicating what he bought. He's not an expert in 1973 regulations. And I have a copy of that survey. And the only difference I can see is that the float was turned.

TRUSTEE KRUPSKI: Well, unfortunately since we were not brought in on the process, we didn't see what was there at the time. We just have to work with the permit.

TRUSTEE DOMINO: I would like to note that we, on field inspection, we noted the time we were there was 12:38 on the

9th. I'm not exactly sure of the tidal stage at that point, but the property to the west, the float was on the bottom when we were there. So I'm, due to the conditions, we didn't walk out on to the float, it was covered with ice and so forth, and I'm really questioning the three-foot depth at the seaward end of that float. It seems to be less than that.

MR. ANDERSON: Well, I observed a normal tide, not, with persistent westward winds or any of that, some time ago, I would say, during the -- and those are the actual measurements I took at that time. It was normal low.

TRUSTEE DOMINO: This is the float that was in the mud at 12:38, which I don't believe was at low tide.

TRUSTEE GOLDSMITH: I think if you look at that picture, and Liz goes to the next, you can see that clearly it goes out further into the creek than -- at first it was in line with the pier line and now it extends past the pier line.

MR. ANDERSON: Well, the shoreline is further out as well. I guess what I'm confused about, you have two things working here. First is depth of water, the second is the pier line. And they are working against each other, so I'm a bit confused as to where you are going with all this.

In other words if you want the dock shorter, you are putting it in shallower water. If you want the dock longer, you are putting it in deeper water. But I would say that whether longer or shorter, there is not a navigational issue here.

That's fairly obvious from looking at the aerial.

TRUSTEE DOMINO: It would have been nice have that conversation with the application for this, what is built there. At this point -- we could have wrangled over the depth to water at that time.

MR. ANDERSON: I understand the sequence here. The dock is rebuilt by an owner. He is cited with a violation. He hired an attorney, he goes to Justice Court -

TRUSTEE DOMINO: The point I'm trying to make --

MR. ANDERSON: We are not involved in that. I have no idea what was there. I have no way of knowing, nor have any way of knowing what the actual depth was.

TRUSTEE DOMINO: But I'm saying I don't believe he has sufficient depth there right now. And I'm certainly not inclined to get it further out to get it to depth. So there is a real issue here.

TRUSTEE BREDEMEYER: If we were looking at a new dock action, we would probably be looking for a different, we would probably be looking for something that would include a set of steps or bench off the side for small vessel uses, that would be man powered or not motorized, because you are tearing up the bottom.

MR. ANDERSON: But you are telling me that everyone has a float there and a boat attached to this, and you seem to be saying that they don't have the same depth I have, so you are treating this application differently.

TRUSTEE KRUPSKI: Certainly not differently, if you came to us

with the original dock that was there and wanted to rebuild it. I mean it's very complicated now because this dock was put in and it's not in compliance. It was put in without a permit and there doesn't seem to be a very easy fix, oh, we can move it out, that doesn't satisfy the pier line. We can pull it in and that doesn't satisfy the depth. Now we are in an awkward position and it's certainly not our doing that put us in this position.

TRUSTEE BREDEMEYER: And the granting of an extension of the pier line means that neighbors are going to go, gee, this guy just went and built it and you permitted him in, now we want to go out.

TRUSTEE GOLDSMITH: Because the original permit had 32 feet.

MR. ANDERSON: Deepening the water, would that be a bad thing?

TRUSTEE KRUPSKI: The concern there is the domino effect. You fill the creek up with docks. Sorry, Mike.

MR. ANDERSON: I would suggest you table it and I'll refer it back to the attorney, because I honestly don't know what to tell you. You know, the gentleman has no knowledge as to what was there before. He's not a dock expert. He did rebuild it but the dock is substantially different than what was historically there.

Now, I don't know what happened between 1973 and 2015, which would be 40 some odd years.

TRUSTEE BREDEMEYER: The creek has been consistently shoaling up.

MR. ANDERSON: I can't speak, I'm not in a position --

TRUSTEE DOMINO: Tabling it may also give us an opportunity to go out there in better weather and take a better look at the situation.

MR. ANDERSON: That's fine.

TRUSTEE KRUPSKI: I am inclined, my personal opinion, as it stands right now, is that location should be a catwalk with through-flow and no float.

TRUSTEE GOLDSMITH: I think if we go out there and do a field inspection. I'm doubting the 36" water depth and if we were to get 18 or less than it is not conducive to a float.

TRUSTEE KRUPSKI: But if you want to table to take a look at it.

MR. ANDERSON: I think you better table it. I think this is more of a legal thing at this point. By I think you should go out and check out the water depths. It's just not, I'm not in a position to commit one way or the other here.

TRUSTEE KRUPSKI: Okay. Is there anyone else here that wishes to comment on this application?

(No response).

Or any other comments from the Board at this time?

(Negative response).

I make a motion to table this application for further information gathering.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number nine, Suffolk Environmental Consulting, Inc., on behalf of **VINCENT & DONNA DALEY** request a Wetland Permit to construct a 480sq.ft. swimming pool with a 475sq.ft.

pool patio elevated a minimum of 4' above grade in order to connected to existing deck; install a ± 15 sq.ft. pool equipment area; and install a ± 50 sq.ft. pool drywell.

Located: 135 Hill Road, Southold. SCTM# 1000-70-4-32

The LWRP coordinator viewed this to be consistent.

The Conservation Advisory Council inspected this and they voted to support the application, with no notes.

On January 9th, the Trustees were all present and did inspect the property with notes that the seaward side of the pool and patio appear to need a retaining wall if the pool is to be raised to the level of the existing patio.

Is there anybody here to speak to this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicants Donna and Vincent Daley, who are here tonight sitting behind me.

This is a straightforward application. So that you know, it's the intention the pool will be the same level of the deck. It's a masonry structure. It will be fill between -- it's, I don't know if you consider it a retaining wall or not, but it's all integral into the structure, so. We may have to come back at some point for some sort of railing. We'll make that a call of the Building Department. But at present that pool would be, I guess approximately four feet above grade. And that's how it is designed.

TRUSTEE KRUPSKI: So it will be a gunite pool, and the --

MR. ANDERSON: It's a masonry structured gunite pool

TRUSTEE KRUPSKI: And it will be a concrete wall surrounding the pool. And there won't be any fill on the outside of the wall.

MR. ANDERSON: The cavity between the exterior surface of the pool and the wall, would obviously be filled with the material excavated to construct the pool. So it's not a question of really bringing in fill.

TRUSTEE KRUPSKI: Right. Right.

TRUSTEE WILLIAMS: One of the questions I had is on the plans there is a lack of detail from the edge of the proposed patio going down to the waterway. Is there going to be a retaining wall installed or is there just going to be a slope?

MR. ANDERSON: No, there is no retaining wall. The pool is essentially above ground or partially above ground pool, and its top surface is supposed to match the deck. So you walk out onto the deck and the pool is at the same level. So I don't know that necessarily the perimeter, I guess serves as a retaining wall. It retains the structure for sure, and whatever minor amounts of earth or sand might occupy the space between the pool and its exterior surface, which is on the seaward side, might be a foot. Maybe, it's not a retaining wall as we normally --

TRUSTEE GOLDSMITH: Will it be a salt water pool?

MR. ANDERSON: Yes, it will be. Most of the pools we do nowadays is salt water.

TRUSTEE GOLDSMITH: I just want to make sure.

TRUSTEE BREDEMEYER: The concern was we are creating very steep slopes from the edge of the pool construction down to the creek as far as whether it needed additional retaining structure or an additional soil stabilization.

MR. ANDERSON: There should be no impact on existing slopes on the property.

TRUSTEE BREDEMEYER: Okay.

TRUSTEE WILLIAMS: Did we want to see a side-view cross-section showing what the grade would be from the patio down to the water?

TRUSTEE DOMINO: Will there be a footing? I understand you are saying the exterior. The seaward wall of the pool is going to act as the retaining wall.

MR. ANDERSON: It will be engineered, yes.

TRUSTEE DOMINO: Will it have a footing?

MR. ANDERSON: It will have to have some sort of foundation beneath it, yes. There is no grading involved here. That's why we don't see topography. There is no manipulation to the slope. It essentially sits on top of the existing earth and it's raised so that the patio that surrounds it matches the same elevation as the deck.

TRUSTEE WILLIAMS: So from the patio that is --

MR. ANDERSON: Seaward there is no alteration of slopes.

TRUSTEE WILLIAMS: So as I walk from the water up to this pool, I'm going to walk into a cement wall at the edge of the patio?

MR. ANDERSON: Yes. That wall would be, it's integral to the structure, but it would be four feet, four-and-a-half feet high. Something like that.

TRUSTEE DOMINO: Could you submit to us a cross-section of representation of what will be there?

MR. ANDERSON: I presume we would have to engineer -- that's not an issue. I assume I have to do that for the Building Department anyway. But I just want you to understand, it's not a retaining wall per se. That's not the way we talk about retaining walls in this forum.

TRUSTEE DOMINO: We understand.

MR. ANDERSON: I don't have the actual footing details. You know, the engineer might say we would build it like a box jetty. If you see a box jetty, there is no footings because the opposing wall support the wall. They are supported by cross tie rods. So I'm not sure exactly how that would be done, only to say we are not looking to manipulate any grades or change any grades.

TRUSTEE WILLIAMS: Is there anybody else here to speak regarding this application?

(Negative response).

Any questions from the Board?

(Negative response).

I'll make a motion we close the hearing on this application.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I'll make a motion we approve this application with the amendments, two amendments; one being the pool be salt water; and the second amendment, that updated plans showing construction from a side-view elevation be included with the plans. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. ANDERSON: Thank you, very much.

TRUSTEE BREDEMEYER: Next application, **LUCINDA BARNES** requests a Wetland Permit to remove invasive/non-native vegetation and vines within an approximate 9,000sq.ft. area landward of the top of bluff, and re-vegetate area by planting native vegetation consisting of low and high bush blueberries, beach grass, bayberry, and beach plum; and to maintain the existing access path to the beach.

Located: 63875 County Road 48, Greenport. SCTM# 1000-40-1-21

This is a carryover from last month's public hearing. I'll motion to open this hearing. Is there anyone here that wishes to speak to this application other than Board discussion?

TRUSTEE KRUPSKI: Yes. I just, I do recall when we were originally there, that we happened to mention it's a nice non-invasive way to traverse to the beach, given the slope, and the scope of what it is. And so that's, I just wanted to put that out there.

TRUSTEE BREDEMEYER: That is a point. Greg and I went looking at the site and we basically found the same situation. Then I indicated Greg after the inspection, I wanted to think about it a little further. And a couple of precedence that the Trustees previously had with respect to issues and violations that ended up spending considerable time in court related to construction and the coastal erosion hazard area. And what Greg and I actually, my impressions of being nice, we all saw it the first time, and then going back and revisiting it and actually walking down to the water, is that this actually is nicely engineered, it is engineered and dug into a bluff. So that with the standards that we have and the coastal erosion hazard area and two precedent-setting applications where the Board had started legal action against individuals that were named in, one was Martino, the other was Hugh. One case, extensive marble construction was done, set into the bluff, as well as the other cement block construction was set into the bluff.

In this case, there is between six and eight-inch locusts that had been dug in and but also pinned with rebar and have made unit steps. Arguably nicely done, and to my mind if I saw this on a set of plans I would say it looks pretty good. Nevertheless, the coastal erosion for the construction standards in a bluff, are very specific concerning new construction

modification or restoration of walkways or stairways that are done, in other words, done in accordance with the conditions of the coastal erosion management permit. It's a permit required activity and based on the Board's prior actions, which I was not involved with and, not that I mean, we obviously all think, hey, you are trying to build hard steps in the previous instances, the Board I think properly viewed them as being contrary to standards because we have generally open stairway construction standard. But I looked in both codes, it doesn't mandate it because we know that we have minimalist walkways where someone lays something on the ground, like railroad ties or whatever, it's almost like into that, but I thought I want to bring it back for discussion whether we wanted to actually have them go for a coastal erosion permit in light of precedence or whether you felt it was minimalist that we would just ask them to pen in a four-foot, in other words treat it as a four-foot wide path. It's a little bit of description type thing here.

TRUSTEE KRUPSKI: You certainly have been there most recently, so I would be happy to defer. But in my memory in walking down, I thought I would in this state consider it a four-foot wide path.

TRUSTEE BREDEMEYER: It was a neighbor raising the issue concerning the walkway.

TRUSTEE KRUPSKI: Right.

TRUSTEE DOMINO: That's why we are addressing it now. We want to make sure that we took into account both sides of the issues.

TRUSTEE DOMINO: Personally, with respect to a marble steps, or concrete steps, it's a different situation than we have here.

Because when this, it rains and there is marble steps, the velocity of the water flow will be great and you have a great opportunity for erosion. The way this was constructed, the locust step itself slows down the water and the surface is permeable so you don't get the same sort of volume of water or velocity that would give you a problem.

TRUSTEE BREDEMEYER: We also granted a permit through the coastal erosion permit for the inlaid set of steps for the Pebble Beach homeowners association where they had come in with specific plans to do inlaid stone work that was not leading to erosion or to runoff issues. It was not improperly engineered on a bluff face. It was a gentle sloping, so. I thought it might be appropriate to also not only to be consistent but also to protect interest of homeowners, maybe we should ask for a coastal erosion permit and bring it in on permit, that way they can also continue to maintain it and it doesn't make the neighbor who may have different feelings, because they felt they were told to put an open constructed, you know, set of stairs. And this, I don't think anyone has a problem with that, the consistency, we should ask for a permit on that.

TRUSTEE DOMINO: It certainly would protect the homeowner.

TRUSTEE KRUPSKI: What would the application state, a four-foot wide path with locust posts for stabilization?

TRUSTEE BREDEMEYER: To a walkway, yes. Walkway, four-foot wide walkway, bluff walkway stabilized with natural, untreated lumber.

TRUSTEE KRUPSKI: Sure.

TRUSTEE BREDEMEYER: So I think it would be something --

TRUSTEE WILLIAMS: You couldn't get any more natural and untreated.

TRUSTEE BREDEMEYER: No, you couldn't get any more natural and untreated. I don't know how you all feel, if someone came in with an application that looked like that, I would say, hey, that's good. We saw no evidence of erosion. In other words, on a performance basis it had been built, you have a permit, but you are looking after the fact, we did have the ability for hindsight, 20/20 hindsight, I didn't see any evidence of erosion.

TRUSTEE WILLIAMS: No evidence of erosion, the funny thing is the neighbor that complained, the bottom of his steps were hanging out because there was so much erosion at the base of his landing, his 4x4's were totally out of the sand, like just hanging there.

TRUSTEE DOMINO: Noting that your inspection was done after the January 4th storm graced him, so.

TRUSTEE BREDEMEYER: That's true. All right, so accordingly, I would make a motion to table this application with a request to the owner to submit a coastal erosion permit application for the construction of a walkway, bluff walkway, constructed of non-toxic materials, and that way could be appended to the current pending wetland application for the current vegetation to give approval for the coastal erosion and the planting, which is an essentially contiguous, continues with it.

TRUSTEE WILLIAMS: I second that motion.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion to adjourn

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in dark ink, appearing to read "Michael J. Domino". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Domino".

Michael J. Domino, President
Board of Trustees